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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/813,715
Filing Date: March 31, 2004
Appellant(s): MORRIS, ROBERT P.

John Demos, Reg. No. 52,809
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 11th, 2009 appealing from the Office

action mailed October 6th, 2008.

(1) Real Party in Interest

The real party in interest is contained in the brief is Scenera Technologies, LLC.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,073,142   Geiger et al   06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Geiger

et al U.S. Patent Number 6,073,142 (hereinafter Geiger).

As per claim 1, Geiger discloses (a) receiving an electronic message

[incoming messages] for a client [for the recipient] (see column 1, line 49-57);(b)

determining if the electronic message matches at least one criteria of a filter

[rules, business rules], wherein at least one action is associated with the filter

(Abstract, column 3, lines 30-61; examiner considers "Each business rule

describes a particular action to be applied to an e-mail message in response to

either attributes of the e-mail message or performance data of the post office.

For example, a business rule may specify actions such as deleting the e-mail

message, gating the e-mail message for further review, copying the e-mail

message, returning the e-mail message to its sender without delivering it...." as

electronic messages matches at least one filtering criteria and action associated

with the filter); and (c) if the electronic message matches the criteria, displaying a

graphic associated ["graphic buttons"] with the action when the electronic message is viewed at the client and executing the action if the graphic ["graphics can be a plurality of buttons displayed as part of the electronic message", specification page 7 such as action buttons at GUI] is selected (Figures19-20s a screen shot of graphical user interface of action gatekeeper that shows graphic buttons and rules status [filtering status] for each message, see Figure 19-20, blocks 1907,1909,1911,1913,1915 are graphic buttons associated with business rules , column 23, lines 5-36).

As per claim 2, Geiger discloses (b1) adding the action associated with the filter to an action list for the electronic message, if the electronic message matches the criteria (see figures 6-8 for editing checkpoint rules and figures 16-17 for editing roles, column 9, line 60 – column 10, line 31).

As per claim 3, Geiger discloses (b1i) receiving a plurality of filters configured for a recipient of the electronic message (see figures 6-8 for checkpoint rules and figures 16-17 for editing roles, column 9, line 60 – column 10, line 31; tables 1-7); (b1ii) comparing the electronic message against criteria of each of the plurality of filters (column 18, line 56- column 19,line 51); (b1iii) for each filter with criteria matching the electronic message, adding an action associated with the filter to an action list [see column 19, line 52 – column 21 line 24] for the electronic message(column 18, line 56- column 19,line 51); and (b1iv) placing the electronic message with the action list in the recipient's inbox(see column 19, line 52 – column 21 line 24).

As per claim 4, Geiger discloses (c1) inserting computer code into the electronic message if the electronic message matches the criteria, wherein the computer code displays the graphic [graphics can be a plurality of buttons displayed as part of the electronic message, specification page 7 such as action buttons at GUI] associated with the action when the electronic message is viewed at the client and executes the action if the graphic is selected ((see Figure 19-20, blocks 1907,1909,1911,1913,1915 are graphic buttons, column 23, lines 5-36)).

As per claim 5, Geiger discloses (c1i) receiving from the client a request for the electronic message; (c1ii) obtaining the electronic message from the recipient's inbox; and (c1iii) inserting a graphic associated with each action in the action list into the electronic message (column 1, line 35 - column 2, line 14, see figure 19-20 GUI for displaying inbox).

As per claim 6, Geiger discloses (c1) determining that the client [sender or recipient] is a supported client;(c2) adding the action list to the electronic message; and (c3) sending the electronic message to the client (see column 23, lines 5- 52).

As per claim 7, Geiger discloses (d) receiving a selection of the graphic [GUI]; (e) checking for a plug-in associated with the action at the client [user application program]; and (f) invoking the plug-in, if the plug-in is found (see column 21, line 26 – column 22 line 10).

As per claim 8, Geiger discloses (g) requesting the plug-in from a plug-in server, if the plug-in is not found; (h) receiving the plug-in from the plug-in server [server loads and executes]; (i) installing the received plug-in; and (j) invoking the plug-in (see column 21, line 26 – column 22 line 10).

As per claim 9, Geiger discloses (d) receiving a selection of the graphic; (e) sending an action request for the action associated with the selected graphic to a server; and (f) processing a response to the request from the server (column 23, lines 5-36).

As per claim 10, Geiger discloses (g) receiving the action request by the server ;(h) invoking a plug-in [application program] associated with the action; and (i) sending a response to the action request to the client (column 1, line 35 - column 2, line 14; see column 21, line 26 – column 22 line 10).

As per claim 11, Geiger discloses the criteria of the filter are customizable for a recipient (see Figure 4B, for automatic and manual review with Figures 6-8 that shows different options to configure filters and rules).

As per claim 12, Geiger discloses the action is customizable for a recipient (see Figure 4B, for automatic and manual review with Figures 6-8 that shows different options to configure filters and rules).

As per claim 13, Geiger discloses the determining step (b) is performed at a mail server (column 1, line 25 – column 2, line 44).

As per claim 14, Geiger discloses the determining step (b) is performed at the client (column 1, line 25 – column 2 line 44).

As per claim 15, Geiger discloses the determining step (b) is performed at a relay [post office/mail servers] server (column 1, line 25 – column 2 line 44).

As per claim 16, Geiger discloses a cellular phone; a personal computer; a personal digital assistant; and an image capture device (see abstract, computer system).

As per claim 17, Geiger discloses the method of claim 1, wherein the electronic message comprises a file attachment, wherein the file attachment comprises an image filter (see figure 14, block 1412 for attachments rule).

As per claims 18-34, claims 18-34 are computer readable medium claims of method claims 1-17, respectively. They do not teach or further define over the limitation as recited in claims 1-17. Therefore, claims 18-24 are rejected under same scopes as discussed in claims 1-17, supra.

As per claims 35-36, claims 35-36 are system claims of method claims 1, and 7-8. Therefore, claim 35 – 36 also recites the limitation as discussed in claims 1 and 7-8, supra. In addition to method claims limitation 1 and 7-8, claims 35-36 further discloses a storage medium, mail server and plug-in server for storing filters and application programs [see column 1, line 25 – column 2 line 44].

As per claims 37-38, claims 37-38 are system claims of claims 1-17 and 35-36, respectively. They do not teach or further define over the limitation as recited in claims 1-17 and 35-36. Therefore, claims 37-38 are rejected under same scopes as discussed in claims 1-17 and 35-36, supra.

(10) Response to Argument

1.   Applicant's arguments filed March 11th, 2009 have been fully considered but they are not persuasive. Applicant continues to argue in substance that:

   a.   Geiger fails to disclose or even suggest "if the electronic message matches the criteria, displaying a graphic associated with the action when the electronic message is viewed at the client and executing the action if the graphic is selected" and argues that static buttons that are presented every time.

   In response to appellant argument a), examiner considers the following where Geiger discloses automated post office based rule analysis of e-mail messages and other data objects for controlled distribution in network environments where various software products provide for automatic deferral and review of e-mail messages and other data objects in a networked computer system, by <u>applying business rules</u> to the <u>messages as they are processed by the post offices</u>.

      "A system, method and various software products <u>provide for automatic deferral and review of e-mail messages</u> and other data objects in a networked computer system, <u>by applying business rules to the messages as they are processed by post offices</u>. The system includes rule enforcing post offices that store a plurality of <u>business rules derived from business communication policies. The rule enforcing post offices receive messages from client applications and from other post offices and apply</u>

the business rules with a rule engine. The rule engine determines a set of actions, specified by business rules that are fired, to be applied to each message. The rule engine provides the actions to a distribution engine, which executes a highest priority action. **Actions include releasing, deleting, returning, forwarding, or gating the message.** Gating forwards the message to a gatekeeper, an administrator assigned to review messages for conformity with business policies or for other reasons. The gated messages are received by the gatekeeper at a gatekeeping post office. A gatekeeper can review the gated messages, and then manually release, delete, return, or further gate the message. Alternatively, if the gatekeeper does not review a gated message with a specified time period, the message is automatically reviewed by the gatekeeping post office with its own set of business rules. Having multiple post offices with independent sets of business rules allows for distributed and hierarchical review and gating of the messages. The system can route any type of data object, and apply the business rules to such objects in a similar manner."(Abstract)

Examiner considers Geiger discloses the following:

i.   For receiving an electronic messages for client and determining if the electronic message matches at least one criteria of a filter, wherein at least one action is associated with the filter.

In response to appellant argument i), examiner considers, receiving an electronic message [incoming messages] for a client [for the recipient] (see column 1, line 49-57) and determining if the electronic message matches at least one criteria of a filter [rules, business rules], wherein at least one action is associated with the filter (Abstract, column 3, lines 30-61). The background of Geiger discloses the embodiments where Geiger is also directed to filtering documents for distribution purpose based on rules and policies.

"As another example, an **organization may filter** documents that are to be sent to specific persons or departments, or it may automatically copy (archive) documents distributed by certain persons or departments. Finally, organizations ordinarily have **rules that prohibit distribution of certain types of documents, such as those containing disparaging, sexist, or profane materials**. **These various rules are typically documented as part of the organization's business communication policies, and managed by the personnel, human resources, or other departments**.

Most organizations today also use electronic messaging systems, or e-mail, for inter- and intra-company communications. Generally, an e-mail system comprises one or more post offices, zero or more mail servers and a relatively large number of e-mail

client applications. <u>The post offices are distribution mechanisms</u> <u>which **receive e-mail messages** from client applications (both</u> <u>within the organization and external thereto) and transfer these e-</u> <u>**mail messages to other post offices associated with the**</u> <u>**specified recipients,** who again are both within and external to the</u> <u>organization or system.</u> Conventional post offices operate on a store and forward model, where an e-mail message is stored only temporarily for the duration it takes to route the message to the next post office(s).

In **e-mail systems which use mail servers, post offices** **deliver incoming messages to a mail server which persistently** **stores the messages for the recipients.** <u>**The recipients access**</u> <u>**the messages via the client applications. In some systems**</u> <u>**where mail servers are not used, the post offices deliver e-mail**</u> <u>**messages directly to the client applications.**</u> **The e-mail client** **applications are end-user applications for creating, reading,** **and managing a user's individual e-mail account.**

...

With the <u>increasing reliance on e-mail for all types of</u> <u>corporate communications, it is becoming increasingly desirable for</u> <u>an **organization to be able to define and automatically enforce**</u> <u>**communication policies with respect to the handling of e-mail**</u>

messages in their e-mail systems. An organization should be able to **define specific business rules which implement its business communication policies, and apply these business rules to all e-mail messages on the e-mail system in order to monitor and control the distribution and handling of e-mail messages.** In particular, it is desirable to provide such business rules within a post office, so that the business rules may be applied to all e-mail messages handled by the post office, regardless of their origin or destination."

Examiner considers the summary of the invention where Geiger discloses.

The database of **business rules are used to implement business communication polices of the organization.** Each business rule describes a particular action to be applied to an e-mail message in response to either attributes of the e-mail message or performance data of the post office. For example, **a business rule may specify actions such as deleting the e-mail message, gating the e-mail message for further review, copying the e-mail message, returning the e-mail message to its sender without delivering it, forwarding the e-mail message to a new recipient, or releasing an e-mail message to its**

specified recipients. The attributes of an e-mail message which may trigger application of a business rule include, for example, the size of the e-mail message, the number of attachments, the size of individual or all attachments, the text of the message or its subject line, the inclusion of specific addresses or distribution lists, and other message-specific attributes. For example, **a business rule to gate an e-mail for further review may be triggered for any e-mail message that is addressed to the president of the company. As another example, a business rule that returns an e-mail message to its sender may be triggered when the e-mail message or its attachments exceed a certain size, or that are addressed to a particular distribution list, such as "All Employees."**

Business rules may also be used at the post office to direct incoming e-mails to particular employees for further handling. For example, <u>a business rule may forward an e-mail message from outside of the company to a particular employee or user (e.g., Marketing Director) when the text of message matches specific keywords or other properties (e.g., text within the message matching product name keywords), even where the employee is not one of the originally specified recipients.</u>"

Therefore, in above disclosure, Geiger uses a plurality of determining actions such as deleting the emails, gating the email message, and forwarding the email message etc. and has plurality of attributes, such attributes could be attributes of the e-mail message or performance data of the post office. Examiner considers Geiger clearly discloses receiving an electronic messages for client and determining if the electronic message matches at least one criteria of a filter [applying business rule to process e-mail messages to its sender or recipient], wherein at least one action ["**returning the e-mail message to its sender without delivering it, forwarding the e-mail message to a new recipient, or releasing an e-mail message to its specified recipients.**"] is associated with the filter [rule or policy].

ii.   For displaying graphic, if the electronic message matches the criteria, displaying a graphic associated with the action [emphasis, read as displaying message in GUI with appropriate graphics such as GUI for review interface is different than GUI for creating message interface] when the electronic message is viewed at the client and executing the action if the graphic is selected.

In response to appellant argument ii), examiner considers figures, 1, 4A-4B. "Referring now to FIG. 1 there is shown one embodiment of a gatekeeping e-mail communication system of the present invention. An

electronic communication system 100 operates on a conventional

communications network 104, which may be a LAN, WAN, MAN, or the

Internet."

"Referring now to FIGS. 4A and 4B, there is shown a flowgraph of

the overall process of processing and gating e-mail messages in

accordance with the present invention. Operation of an e-mail system in

accordance with the **present invention may be understood as having**

three distinct phases: rule definition, message processing, and

gating.

FIG. 1
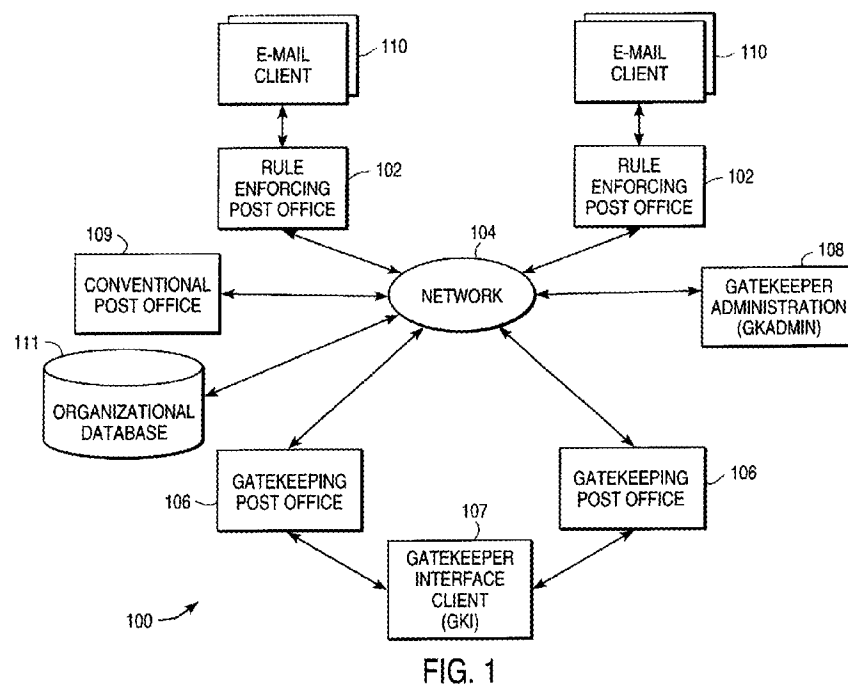
During the **rule definition phase, an administrator or gatekeeper defines 402 various <u>business rules</u> for handling e-mail messages.** In one embodiment, <u>the rules are defined using the GKADMIN 108 which can directly edit the rule base of any GPO 106 or REPO 102. The business rules are preferably consistent with the business communication policies used by the business, or may extend or modify such communication policies. These business rules are stored in the rule base 270 of one or more REPOs 102. In addition, business rules for handling gated messages are created and stored in the gatekeeping rule base 289 of one or more GPOs 106. It is anticipated that the business rules stored in the REPOs 102 will be different in some respect than those stored in the GPOs 106, since the function of a GPO 106 is to further process messages that have already once been processed and gated by a REPO 102.</u>

In addition to defining various business rules for specific actions to be applied to messages, the administrator may also define bypass roles. A bypass role is an organizational position within the organization for which a message from a sender with a bypass role is passed through a REPO 102 without any other rule processing. For example, the president of the company would be a typical bypass role, and all messages from the president would then not be subject to the other rule processing or gating operations of a REPO 102. Thus, bypass roles are used to define the

exceptional case of unabated delivery in the context of the invention. The

bypass roles are defined with respect to company position, and not with

respect to actual user names. This allows a change in the holder of the

bypass role, without the administrator having to manually redefine the

bypass role, as would be the case if the bypass ability were directly

associated with a user name. The role information for bypass roles is held

in the organizational database 111."

In the message processing phase, the REPOs 102 and GPOs 106

are operational for receiving and distributing messages. A message is

received 404 at a REPO 102 from another post office or client application.

With the REPO 102, the receipt engine 200 indexes the message in the

message index 240 and provides it to the rule engine 210. **The rule**

engine 210 checks 406 whether the sender has a bypass role. If so,

the message is released 408 by the distribution engine 230. The message

may be delivered to the specified recipients at other post offices, or it may

be gated at a REPO 102 that does not recognize the particular bypass

role.

If the sender of the message does not have a bypass role, the

rule engine 210 processes 410 the message with the business rules

in the rule base 270 to determine the appropriate action(s) for

handling the message. Typically, at least one business rule will be

satisifed, and thereby specify the action to be applied to the

message. The action is communicated to the distribution engine 230,

RULE
DEFINITION

DEFINE BUSINESS RULES FOR
HANDLING E-MAIL MESSAGES
BASED ON MESSAGE PROPERTIES,
POST OFFICE PROPERTIES — 402

RECEIVE E-MAIL MESSAGE — 404

406

SENDER HAS
BYPASS ROLE? YES

NO

408

RELEASE
MESSAGE, ROUTE
TO SPECIFIED
RECIPIENTS

PROCESS E-MAIL MESSAGE WITH
BUSINESS RULES TO DETERMINE
ACTION FOR HANDLING MESSAGE — 410

MESSAGE
PROCESSING

412

APPLY ACTION TO E-MAIL
MESSAGE

416   418   421   422   420

RETURN
MESSAGE

GATE
MESSAGE

FORWARD
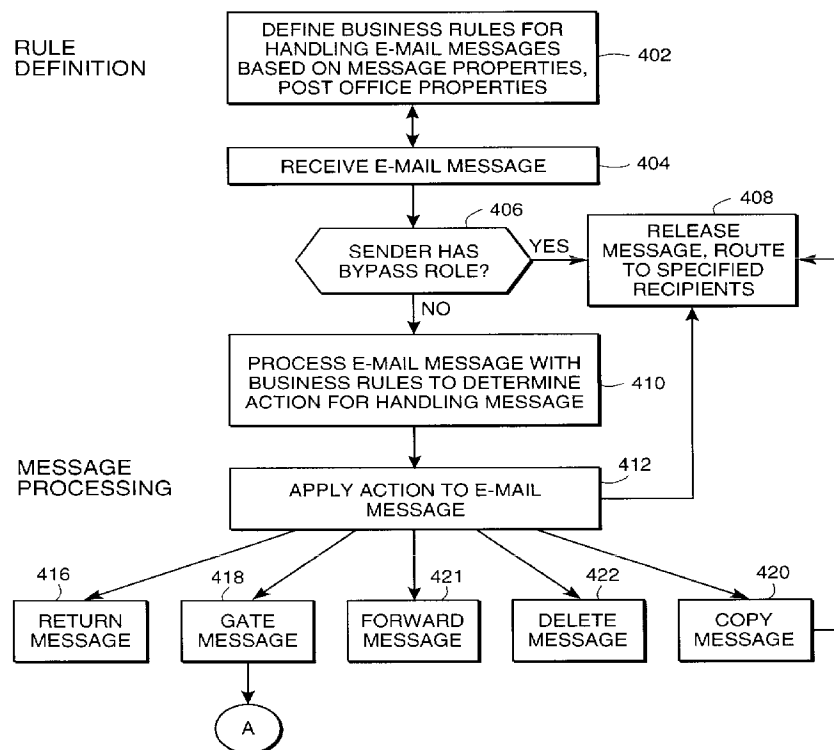MESSAGE

DELETE
MESSAGE

COPY
MESSAGE

A

FIG. 4A

which applies 412 the action to the message. If there are multiple

actions, the distribution engine 230 selects a highest priority action, and

applies it to the message. The distribution engine 230 may release 408,

return 416, gate 418, copy 420, forward 421, or delete 422 the message.

When a message is gated 418, it is not delivered to its initially specified recipients. Instead, the gating action specifies a gatekeeper role at a GPO 106 who is to review the message. Accordingly, the distribution engine 230 sends the message to this gatekeeper. When a message is forwarded 421, it is delivered to a new recipient, typically one other than a specified recipient; the new recipient is specified by the applicable business rule which was satisfied. (see column 9, line 60 – column 10, line 62)

Examiner considers figures 19-22 where such figures are display on gatekeeper screen and examiner has provided a evidence that such displaying with an action is taking place if the electronic message matches the criteria.

"FIG. 19 illustrates a sample **user interface of the GKI 107** [for displaying on gatekeeper screen], the main **gatekeeper screen 1901**. When a gatekeeper logs into a GPO 106, she identifies which gatekeeper role she has; the GKI 107 then displays in the gatekeeper screen 1901 the messages 1916 that have been gated to that gatekeeper. For each message, there is shown the sender, location, and the subject line of the message. In addition, a status value 1903 informs the gatekeeper whether the message has only been gated, or reviewed. The reason 1905 that the message has been gate is also shown, extracted from the rule history information in the wrapper of the message." (see column 23, lines 5-15)

"FIG. 20 illustrates a sample screen for reviewing messages. This screen 2001 includes specific fields identifying the sender, specified

recipients, subject line, creation and arrival dates." (see column 23, lines 24-27)

"FIG. 21 illustrates a screen 2100 used by a gatekeeper when returning a 8 message to the sender. When returning a message, the gatekeeper can also include in text field 2101 an explanation to the sender of why the message was not delivered. The gatekeeper may also move a message to a mailbag folder. FIG. 21 illustrates a screen 2100 used by a gatekeeper when returning a 8 message to the sender. When returning a message, the gatekeeper can also include in text field 2101 an explanation to the sender of why the message was not delivered. The gatekeeper may also move a message to a mailbag folder." (see column 23, lines 47-58).

For example, Figure 19 is "Gatekeeper" GUI where gatekeeper has an **access to take available action for Gated messages** and therefore, all graphic or action buttons, 1907...1915, with respect to Gated messages are displayed to all user associated in an organization that uses this efficient email system. Therefore, the selected graphic buttons are displayed because the electronic message follow the rule to display selected graphic buttons and one having ordinary skill in the art would clearly recognize this without any brief clarification.
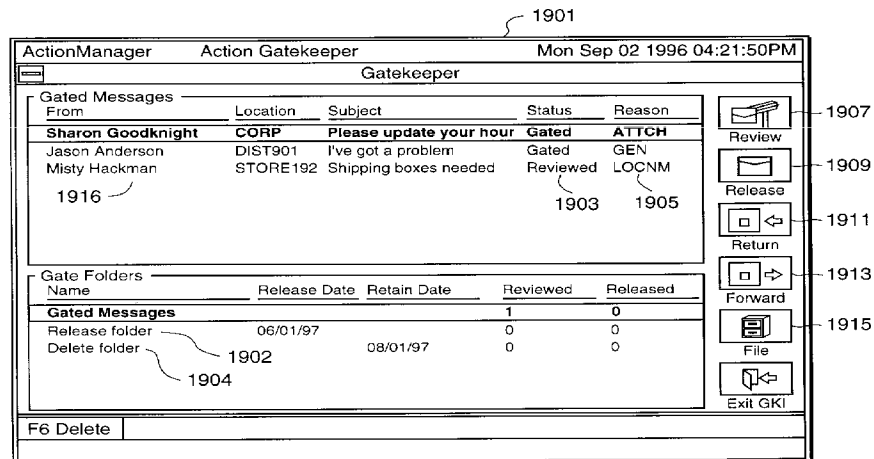
```
                                              ┌─ 1901
┌──────────────────────────────────────────────────────────────────┐
│ ActionManager    Action Gatekeeper          Mon Sep 02 1996 04:21:50PM │
│ ┌──┐                        Gatekeeper                              │
│ ┌─ Gated Messages ──────────────────────────────────┐  ┌────┐      │
│ │ From          Location   Subject         Status   Reason │  │    │─1907 │
│ │ Sharon Goodknight  CORP  Please update your hour Gated  ATTCH │ Review │
│ │ Jason Anderson  DIST901  I've got a problem  Gated  GEN │  ┌──┐  │
│ │ Misty Hackman  STORE192 Shipping boxes needed Reviewed LOCNM │ │  │─1909 │
│ │                                                    │  Release │
│ │      1916 ┘                              1903  1905 │  ┌─────┐ │
│ │                                                    │  │□ ⇦  │─1911 │
│ │                                                    │  Return │
│ └────────────────────────────────────────────────────┘  ┌─────┐ │
│ ┌─ Gate Folders ────────────────────────────────────┐  │□ ⇨  │─1913 │
│ │ Name        Release Date Retain Date Reviewed Released│ Forward │
│ │ Gated Messages                        1        0   │  ┌──┐  │
│ │ Release folder ─    06/01/97          0        0   │  │  │  │─1915 │
│ │ Delete folder ─         08/01/97      0        0   │  File │
│ │            ─ 1902                                   │  ┌────┐ │
│ │      ─ 1904                                         │  │⊏⇦ │ │
│ │                                                     │  Exit GKI │
│ ├─────────────────────────────────────────────────────────────┤
│ │ F6 Delete │                                                  │
│ └─────────────────────────────────────────────────────────────┘
└──────────────────────────────────────────────────────────────────┘
```

FIG. 19

.

Similarly when gatekeeper wants to create a message and wants to review it before sending to appropriate sender, Note the "review" graphic button is not displayed, it follows the rule to display other graphic buttons except "review" and one having ordinary skill in the art must recognize this. Therefore, applicant argument that all buttons are static and they do not follow the electronic filter criteria is not correct as each gatekeeper tab or interface has its own criteria

and each criteria has its own way of matching graphic action buttons as shown

clearly in figures 19-20. Similarly, one having ordinary skill in the art would

recognize the list of all graphic action displayed under certain tab or interface as

an action list represented by "graphic icons". In addition the same user interface

is available for client for their use where the system is receiving message for their

client and storing the messages for the recipients.

"In e-mail systems which use mail servers, post offices deliver

incoming messages to a mail server which persistently stores the

messages for the recipients. The recipients access the messages via the

client applications. In some systems where mail servers are not used, the

post offices deliver e-mail messages directly to the client applications. The

e-mail client applications are end-user applications for creating, reading,

and managing a user's individual e-mail account" (Background of

Invention)

Therefore, By giving the broadest reasonable interpretation to claim

language, claims appear to be very broad as it is not clear what particular action

has been associated with what particular computer code graphics in particular

electronic message as "action list", "computer –graphics" could be realized in

many different forms in graphical user interface processing electronic messages

automatically in an organization using business rules and policy that distribute

electronic messages. Similarly without providing any evidence of specific criteria

of filter, it is unclear what exact criteria applicant is referring too. Appellant is

respectfully reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, it is also unclear, what "action" or "graphic" are associated with each other as claims are very broad, applicant arguments are not persuasive and therefore, the rejection is maintained. Apellant arguments that Geiger fails to disclose electronic message matches the criteria, displaying a graphic associated with the action when the electronic message is viewed at the client and executing the action if the graphic is selected and applicant argument that all graphic buttons are static is not persuasive and therefore, the rejection is maintained.

b.   Appellant continues to argue that Geiger fails to teach "placing the electronic message with the action list in the recipient's inbox", "inserting computer code into the electronic message if the electronic message matches the criteria", "inserting a graphic associated with each action in the action list into the electronic message" and "the criteria for filtering is customizable for a recipient" as disclosed in dependent claims 3-5, 7-9, 11-12 and 14.

In response to applicant argument b), Geiger discloses "placing the electronic message with the action list in the recipient's inbox" (see column 19, line 52 - column 21, line 24). Examiner considers Action List Processing message with respect to the rule base and invokes the distribution engine based on default

priority levels for actions, the action list and distributing engine are coupled with message index and message store. Further examiner considers Geiger disclosure where Geiger discloses placing messages in inbox of the recipient gatekeeper "The gating phase is applied by a GPO 106 to messages that have been gated 418 by a REPO 102 or other GPO 106. A gated message is received 424 at a GPO 106, indexed in the gatekeeping message index 287 and initially placed in an inbox for the gatekeeper to whom the message has been gated " (see column 11, lines 1-6) and "Automatic review is also provided by the GPO 106, for example as part of its basic functionality or program executive. For those messages which the gatekeeper does not evaluate 426 or which remain in the inbox, the GPO 106 operates a daemon process, and periodically wakes up and processes all messages in the gatekeeper's inbox. The inbox has a timer associated with it. Here however, the timer is treated as relative value, instead of an absolute period. When a gated message is received, the timer is added to the message date to define an expiration date for the message. Thus, each message in the inbox may have the different expiration date, whereas in each mailbag, all of the messages therein will have a same expiration date" (see column 11, lines 50-62).

By giving the broadest reasonable interpretation to claim language, examiner considers graphics can be a plurality of buttons [computer codes or instructions embedded] displayed as part of the electronic message, specification page 7 such as action buttons at GUI as discussed above in displaying graphics

upon matched action, (see Figure 19-20, blocks 1907,1909,1911,1913,1915 are graphic buttons, column 23, lines 5-36). The person skilled in the art would recognize such inserting or displaying of selected graphic in GUI upon which selection of action button displays selected graphic wherein such graphic is embedded with computer generated code and Geiger discloses "the criteria of filtering and action is customizable for a recipient" (see Figure 4B, for automatic and manual review with Figures 6-8 that shows different options to configure filters and rules; see Figure 19-20, blocks 1907,1909,1911,1913,1915 are graphic buttons, also see column 21, line 26 – column 22 line 10).

As such by merely disclosing "placing the electronic message with the action list in the recipient's inbox", "inserting computer code into the electronic message if the electronic message matches the criteria", "inserting a graphic associated with each action in the action list into the electronic message" and "the criteria for filtering is customizable for a recipient" without providing such evidence, claim are broad as it is not clear what particular action has been associated with what particular computer code graphics in particular electronic message as "action list", "computer –graphics" could be realized in many different forms in graphical user interface processing electronic messages automatically in an organization using business rules and policy that distribute electronic messages. Similarly without providing any evidence of specific criteria of filter, it is unclear what exact criteria applicant is referring too. Appellant is respectfully reminded that although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition,

it is also unclear, what "action" or "graphic" are associated with each other as

claims are very broad, applicant arguments are not persuasive and therefore, the

rejection is maintained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/S. K. D./

Examiner, Art Unit 2451

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451

Conferees:

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

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